

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of HANNAH HARTSOE, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LEEANNE EVELYN PATTON,

Respondent-Appellant,

and

JOSEPH BUSH HARTSOE, JR.,

Respondent.

UNPUBLISHED

February 8, 2007

No. 272232

Oakland Circuit Court

Family Division

LC No. 05-702503-NA

Before: Sawyer, P.J., and Fitzgerald and Donofrio, JJ.

PER CURIAM.

Respondent¹ appeals as of right from the trial court order terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, the trial court must terminate a respondent's parental rights unless it determines that to do so is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000).

On appeal, respondent challenges only the trial court's best interests determination. We find no clear error in the trial court's decision. No evidence was presented of a bond between the minor child and respondent. Respondent left the minor child with the child's maternal

¹ Leeane Evelyn Patton is the only appellant, therefore, we refer to Patton, as respondent.

grandmother in October 2004, when the minor child was only eight months old, and did not make contact until after a petition to remove the minor child from the home had been filed in January 2005. Between January 2005 and June 2005, respondent had only five or six supervised visits with the minor child, at which point her visitation was suspended because she failed to comply with the requirement that she submit random clean drug screens. Respondent did not any have contact with the child after she was 16 months old, and the child was almost 2½ half years old at the time of the termination trial. Although respondent was appropriate during the visits she had with the minor child, the contact between them could not in any way be considered to rise to the level of a bond that outweighed the minor child's need for permanency.

With respect to respondent's compliance with the parent agency agreement, the evidence clearly did not support a finding of substantial compliance. Respondent was referred to numerous drug treatment programs and was unable to complete an intensive outpatient program and provide the required clean random drug screens. Respondent had violated her probation and was required to serve jail time as a result. Respondent did not have a job or a driver's license at the time of the termination trial or at the time of the best interests hearing. During the period of time that the minor child was in the temporary care of the court, respondent gave birth to another child. Respondent admitted that she gave this baby up for adoption because she was not stable enough to take care of another baby. An older seven-year-old child was in a guardianship with his paternal grandfather.

Respondent's argument that she would be able to care for the minor child within a reasonable amount of time is also not supported by the facts. Respondent was dealing with a seven or eight-year drug problem involving heroin and marijuana. While she claimed to be motivated at the best interests hearing because she finally realized how serious the matter was, respondent had a long way to go. The trial court did not err when it determined that the critical issue was the minor child's need for permanency and that the trial court could no longer experiment by giving respondent more time to address her serious drug problems. The minor child was almost 2½ years old at the time of the best interests hearing and had not been in her mother's care and custody for 21 months. The trial court did not err when it found that the minor child deserved the opportunity for stability and permanency.

Affirmed.

/s/ David H. Sawyer
/s/ E. Thomas Fitzgerald
/s/ Pat M. Donofrio